

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Minutes/Summary Agenda March 14, 2017 7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:19 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- Council President Luis Gonzalez
- Council Vice President Katharine Cue-Fuente
- Councilman Jose Caragol
- Councilwoman Vivian Casáls-Muñoz
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano

Council Members Absent:

- Councilwoman Isis Garcia-Martinez

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance - **Councilwoman Vivian Casáls-Muñoz led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited

to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

- Mayor Hernandez and the City Council recognize Miguel Hernandez for achieving the Best Buddies South Florida Employee of the Year award. (HUMAN RESOURCES DEPT.) – **PRESENTED**

REPORT: Robert Lloyd-Still, Risk Manager, City of Hialeah, addressed the City Council during the presentation.

1. Announcement of Amendments/Corrections to the Agenda

- **Item B has been withdrawn from today's agenda and will be heard by the City Council on March 28, 2017.**
- **Items K, L and M have been added to today's agenda.**
- **Exhibit A for Item 4 has been updated.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Councilwoman Casáls-Muñoz requested that Item M be removed from the Consent Agenda for separate discussion.

REPORT: Councilman Hernandez requested that Item L be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except Items L and M, made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on February 28, 2017. (OFFICE OF THE CITY CLERK) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- B. ~~Proposed resolution naming the high school baseball field at Slade Park, located at 2501 West 74 Street, in Hialeah, Florida, the "Jorge Ramos Field at Carl F. Slade Park."~~ (ADMINISTRATION) **WITHDRAWN**

- C. Request permission to issue a purchase order to Zoll Medical Corporation, sole source vendor, to purchase an Auto Pulse System with Pass Thru, in a total cumulative amount not to exceed \$143,412.92. (FIRE DEPT) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- D. Request permission to issue a purchase order to PFM Group Consulting LLC, one of the two professional firms retained by the City of Hialeah to assist the City in negotiating successor agreements under the Public Employment Relations Act with all three (3) unions, for the preparation and presentation of the City's proposed contract changes through the impasse resolution process, in a total cumulative amount not to exceed \$51,060. (LAW DEPT) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Flower Breeze Corp, vendor providing the lowest quotation, to plant thirty-six (36) mahogany trees and for the removal of existing stumps, in a total cumulative amount not to exceed \$17,680. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- F. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has been reliable in performing prior work for the City, and issue a purchase order to CNC Management Group, Inc., vendor providing the lowest quotation, to reduce the height of Australian pines on West 48th Street from 10th to 12th Avenue, in a total cumulative amount not to exceed \$26,250. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Garden Techs Landscaping Contractor & Property Maintenance Inc., vendor providing the lowest quotation, to perform the trimming of adult mahogany trees on West 44th Place between 16th and 18th Avenue, in a total cumulative amount not to exceed \$8,710. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- H. Request permission to issue a purchase order to SRS Engineering, Inc., a vendor recommended by the City's selection committee in 2010 for engineering services and approved by the City Council on June 8, 2010 for three (3) years with the option to extend annually for a total of no more than five (5) years, for the design of roadway and drainage improvements on Northwest 97th Avenue between Northwest 154th Street and Northwest 170th Street, in a total cumulative amount not to exceed \$195,000. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- I. Request permission to waive competitive bidding, since it is advantageous to the City in that the City will save \$492.32 monthly and the cost of maintenance will be lower in that this vendor will refund to the City the first lease payment of \$207.68, and enter into a maintenance agreement with Toshiba America Business Solutions, Inc. d/b/a Toshiba Business Solutions, for the lease of a new Toshiba E-Studio 5506-AC color copier, in a monthly cost of \$207.68, plus a cost of \$0.00528 for black and white impressions and \$0.045 for color impressions, for a period of four (4) years, beginning on March 1, 2017 and ending

on February 28, 2021. (PURCHASING DIV.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**

- J.** Request permission to waive competitive bidding, since it is advantageous to the City in that although this vendor did not provide the City with the lowest quotation, the quality of the palms is superior to that of the vendor providing the lowest quotation, and issue a purchase order to Mystic Gardens Lawn Contractors Inc., to plant replacement palm trees, in a total cumulative amount not to exceed \$6,210. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- K.** Request permission to amend the City's current Microsoft Software Licensing Agreement No. 01E73902 with Microsoft Corporation, sole source manufacturer, for the additional licensing in use and not accounted for in the original agreement, in a total cumulative amendment amount not to exceed \$101,670.42 to be paid in three (3) annual installations. On September 27, 2016 the City Council approved to renew the City-wide Microsoft Software Licenses with this vendor for a period of three (3) years commencing on October 1, 2016 and ending on September 30, 2019. (INFORMATION TECHNOLOGY DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.**
- L.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a consulting agreement with Florida Municipal Marketing, LLC, a Florida Limited Liability Company, to review, redevelop and expand a corporate partnership program and marketing initiatives for City recreational and educational programs, facilities and special events, in an amount of \$12,500.00, payable in quarterly installments, plus commission on naming rights and sales exceeding \$200,000.00, and compensation for other services as agreed, for six months, with the option to renew for an additional six months, in substantial form as attached hereto and made a part hereof as Exhibit "1". (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-019.**

REPORT: Councilman Hernandez asked the City Attorney to explain the item.

REPORT: Motion to Approve Item L made by Councilman Hernandez, and seconded by Council Vice President Cue-Fuente. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

- M.** Proposed resolution approving the designation of West 25th Street from West 4th Court to West 8th Avenue, Hialeah, Florida, as "Michael Wright Way", in honor of the outstanding service of Michael Wright, the first African American firefighter in the City of Hialeah, with the cost of signage to be paid by the City. (COUNCILWOMAN CASÁLS-MUÑOZ) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-020.**

REPORT: Michael Cofresi, Hialeah Fire Department, addressed the City Council on this item.

REPORT: Vicky Martin, Michael Wright's sister, addressed the City Council on this item.

REPORT: Ike Williams, Hialeah Fire Department, addressed the City Council on this item.

REPORT: Daniel Fernandez, Division Chief of Training, Hialeah Fire Department, 83 East 5th Street, addressed the City Council on this item.

REPORT: The item was amended to reflect West 4th Court, instead of West 4th Avenue.

REPORT: Motion to Approve Item M as amended made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

3. Second reading and public hearing of proposed ordinance establishing a temporary moratorium for a period of one hundred and eighty (180) days from the effective date of this ordinance on the processing, approval, or issuance of business tax receipts and development permits as the term is defined in Florida Statutes 163.3164(16), or issuance of any other license or permit, without further review and amendments to its code, for community residential homes or group homes as defined in Florida Statutes 419.001, residential care and treatment facilities §98-1986, limited supervisory residential care and treatment facilities § 98-1987, supervisory residential care and treatment facilities § 98-1988, Hialeah Code of Ordinances, or any other license or permit for the establishment or operation of detox treatment facilities, crisis stabilization units, prescribed pediatric extended care centers, residential detoxification and treatment centers, residential medical rehabilitation centers, adult congregate living facilities, assisted living facilities, adult day care centers, nursing homes, assisted care communities, and any other similar use whether or not licensed by the State of Florida through the Agency for Health Care Administration (AHCA) or the Department of Children and Families (DCF), to provide the city with an opportunity to review, amend or enact regulations governing such uses; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
APPROVED 5-0-2 with Councilwoman Garcia-Martinez absent and Councilwoman Casáls-Muñoz not present during the roll call for a vote. ORDINANCE NO. 2017- 019.

Item was approved by the City Council on first reading on February 28, 2017. Second reading and public hearing was scheduled for March 14, 2017.

Item was approved by the Planning and Zoning Board on February 22, 2017.

REPORT: Motion to Approve Item 3 made by Councilman Caragol, and seconded by Council Vice President Cue-Fuente. Motion passed 5-0-2 with Councilwoman Garcia-Martinez absent and Councilwoman Casáls-Muñoz not present during the roll call for a vote.

REPORT: Councilwoman Casáls-Muñoz recorded her vote for this item as “Yes” after the item was approved.

4. First reading of proposed ordinance vacating a portion of West 25 Place, a dead end road, immediately west of West 12 Avenue and abutting **property located at 1200 West 25 Place, 1205 West 25 Place, 1265 West 25 Place and 1280 West 25 Place in Hialeah, Miami-Dade County, Florida**, more particularly described in the surveyor’s legal description and location

sketch attached hereto and made a part hereof as Exhibit "A". (ADMINISTRATION)
APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent.

REPORT: Alejandro Vilarello, Esq., 16400 NW 59th Avenue, Miami Lakes, Florida, addressed the City Council on this item.

REPORT: Motion to Approve Item 4 made by Council Vice President Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent. Second reading and public hearing was scheduled for March 28, 2017.

5. Board Appointments –

- Proposed resolution reappointing **Katrina M. Rey** to the Historic Preservation Board of the City of Hialeah for a 3-year term ending on January 28, 2020. (MAYOR HERNANDEZ) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2017-021.**

REPORT: Motion to Approve Item 5a made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

6. Unfinished Business – **None.**

7. New Business -

- **Councilwoman Casáls-Muñoz spoke regarding the family to which funds collected at the 2nd Annual Pig Cock Off, to be held on March 18th 2017 from noon to 6:00 p.m., will be donated to.**
- **Mayor Hernandez invited all to the JFK Library reopening with renovations.**

8. Comments and Questions –

- **Luis Alvarez, 3241 West 97 Street, Hialeah, Florida, asked for more police presence in the new area of Hialeah, which is under construction, and shared his concern regarding not being able to obtain blueprints from the developer for a real property he purchased.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

REPORT: All were duly sworn in.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance rezoning from GU (Interim District) to (MH Industrial District); **property located in Hialeah Heights generally located East of NW 107 Avenue and between theoretical NW 144 Street and NW 146 Street, property address of 9201 West 44 Avenue, Hialeah, Florida 33018 and more specifically identified by folio number 04-2020-001-0072.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: *Beacon Logistic Park, LLC*). **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2017- 020.**

NOTE: Items PZ 1 and PZ 2 were heard as one item by the Planning and Zoning Board.

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| <i>Item was approved by the City Council on first reading on February 28, 2017. Second reading and public hearing was scheduled for March 14, 2017.</i> |
| <i>Item was approved by the Planning and Zoning Board on February 22, 2017.</i> |
| <i>Registered Lobbyist: Jose Jimenez, Codina Management LLC, 2020 Salzedo Street, 5th Floor, Coral Gables, Florida 33134.</i> |
| <i>Registered Lobbyists: Joseph Goldstein, Vanessa Madrid, Tracy Slavens, Holland & Knight, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i> |
| <i>Planner's Recommendation: Approval</i> |
| <i>Owner of the Property: Beacon Logistic Park, LLC</i> |

REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

- PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit to allow parking areas within 60 feet adjacent to the property line that abut street frontages to be paved with asphalt (where pavers, stamped concrete or stamped asphalt are required); to allow block sizes larger than the required 660 feet by 330 feet; building heights of 50 feet (45 feet maximum allowed); to allow parking areas to be located within 10 feet of the front property line (20 feet required); waiving direct pedestrian access from the street sidewalk and from parking areas; to allow reduced parking requirements for warehouse distribution use at the ratio of 1 parking space for each 1000 square feet of gross floor area (where the minimum of 750 feet is required); waiving minimum landscape requirements pursuant to § 98-2233 Hialeah Code of Ordinances; all contra to Hialeah Code of Ordinances §§ 98-1597(b) 98-1601(b),(d),(f)(5), and (m); 98-2189(6); **property located in Hialeah Heights at 9100 West 40 Avenue Hialeah, Florida, identified by folio no. 04-2020-001-0072 and folio no. 04-2020-001-0030, collectively consisting of approximately 72 gross acres located north of NW 142 Street between NW 107 Avenue and NW 102 Avenue.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: *Beacon Logistic Park, LLC*) **APPROVED 6-0-1 with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2017- 021.**

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| <i>Item was approved by the City Council on first reading on February 28, 2017. Second reading and public hearing was scheduled for March 14, 2017.</i> |
| <i>Registered Lobbyist: Jose Jimenez, Codina Management LLC, 2020 Salzedo Street, 5th Floor, Coral Gables, Florida 33134.</i> |
| <i>Registered Lobbyists: Joseph Goldstein, Vanessa Madrid, Tracy Slavens, Holland & Knight, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i> |
| <i>Planner's Recommendation: Approval</i> |
| <i>Owner of the Property: Beacon Logistic Park, LLC</i> |

REPORT: Motion to Approve Item PZ 2 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Garcia-Martinez absent.

NEXT CITY COUNCIL MEETING: Tuesday, March 28, 2017 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 23, 2017 at 6:30 p.m.

REPORT: Council President Gonzalez adjourned the meeting at 8:16 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).